



State of Oklahoma
Department of Agriculture, Food, and Forestry

Mary Fallin
Governor

Jim Reese
Secretary of Agriculture

April 3, 2018

Tawanda Maignan, Team Leader
Emergency Response Team
U.S.EPA Office of Pesticide Programs
Document Processing Desk (EMEX)
Room S4900, One Potomac Yard
2777 Crystal Drive
Arlington, VA 22202

Subject: Request for a Section 18 specific exemption for use of **Transform WG Insecticide**, EPA Registration Number 62719-625 to be applied on sorghum fields (grain & forage) to control the sugarcane aphid in Oklahoma.


Tawanda Maignan:

The Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) requests a specific emergency exemption under the provisions of section 18 of the Federal Insecticide Fungicide and Rodenticide Act, as amended, for the use of Transform WG Insecticide, EPA Registration Number 62719-625 to be applied on sorghum fields (grain & forage) to control the sugarcane aphid in Oklahoma.

This is the fifth year ODAFF has requested a specific emergency exemption for this use using this product. The aphid has been discovered in Louisiana, Texas, and Oklahoma. Documented economic damage from this pest ranges from 20% to 100% yield loss.

If you have any questions in connection with this petition, please contact Ryan Williams, (405) 522-5993. Thank you for your consideration of our exemption request.

Respectfully,



Jim Reese
Secretary of Agriculture

Enclosures



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SUBJECT: SPECIFIC EXEMPTION FINAL REPORT
Transform® WG Insecticide, EPA Reg. Number 62719-625
Control of sugarcane aphid in grain sorghum
File Number 17-OK-01

Dear Tawanda Maignan:

In accordance with the provisions of 40 CFR 166.32 (b), the following final report is submitted for the use of **Transform® WG Insecticide** for control of sugarcane aphid in grain sorghum.

TOTAL QUANTITY OF PESTICIDE USED:

The manufacturer Dow Agrisciences sold 1,704 lbs. of product which would have treated approximately 27,264 acres in Oklahoma from April 2017 to November 2017.

EFFECTIVENESS OF THE PESTICIDE:

Oklahoma sorghum producers reported no dissatisfaction with the use of this product under the exemption.

UNEXPECTED ADVERSE EFFECTS:

Upon declaring this exemption, pesticide inspectors with the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) were notified and requested to document any unexpected adverse effects resulting from the use of Transform® WG Insecticide. ODAFF did not receive any complaints alleging that an application of Transform® WG Insecticide resulted in any adverse effects.

RESULTS OF ANY MONITORING:

The Department of Agriculture has ten field inspectors responsible for investigating pesticide-related incidents throughout the state of Oklahoma. There were no alleged adverse effects.

DISCUSSION OF ANY ENFORCEMENT ACTIONS TAKEN:

No incidents of human exposures were reported to the Oklahoma Department of Agriculture and no violations of the exemption provisions were found by ODAFF pesticide inspectors.

DISPOSITION OF A FOOD CROP DESTROYED UNDER EXEMPTION:

Not applicable.

OTHER INFORMATION:

The administrator has not requested any additional information in connection with this specific exemption.

Oklahoma State University Cooperative Extension personnel, the Oklahoma Department of Environmental Quality, the Oklahoma Department of Wildlife Conservation, and the United States Fish and Wildlife (Tulsa, OK office) were notified of this program.

Please contact this office if there are any questions or additional information required.

Sincerely,



Ryan Williams

Oklahoma Department of Agriculture, Food, and Forestry

Consumers Protection Services

Pesticide Program Administrator

2800 N Lincoln Blvd.

Oklahoma City, OK 73105

Phone: 405-522-5993

E-mail: ryan.williams@ag.ok.gov



Oklahoma Sorghum Association

4201 North Interstate 27
Lubbock, Texas 79403
405.612.2843

February 19, 2018

Ryan Williams
Pesticide Certification & Training Administrator
Oklahoma Department of Agriculture Food and Forestry
2800 N. Lincoln Blvd
Oklahoma City, OK 73105

Dear Mr. Williams

On behalf of the Oklahoma Sorghum Association, I am writing to affirm our organization's support for the Section 18 permit for the use of *Transform* for the 2018 growing season. The sugar cane aphid has been a horrible menace for our growers over the last several years, causing economic and agronomic hardship.

Transform is one of two available products that have demonstrated effectiveness in treating sugar cane aphids. Therefore, a Section 18 permit for the use of *Transform* is critical to allow our growers to have the tools in the toolbox to combat this devastating pest. We strongly encourage the approval of use of this product as soon as possible like it has been done for the last several years.

Both National Sorghum Producers and the United Sorghum Checkoff Program along with farmers and entomologist, including Oklahoma State Extension, have been working diligently to determine the best possible approach to provide sorghum farmers with a control method to manage this pest.

Therefore, the Oklahoma Sorghum Association strongly supports the timely approval of the Section 18 permit for *Transform*. Thank you for your consideration, and if you have any questions or concerns please feel free to reach out to our organization.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan Shearer'.

Jordan Shearer, Executive Director
Oklahoma Sorghum Association
jordan@sorghumgrowers.com



Oklahoma Cooperative Extension Service
Division of Agricultural Sciences and Natural Resources
Oklahoma State University

Department of Entomology and Plant Pathology • 127/110 Noble Research Center
Stillwater, Oklahoma 74078-3033 • (405) 744-5527 • Fax (405) 744-6039
www.ento.okstate.edu

March 5, 2018

Ryan Williams
Oklahoma Department of Agriculture, Food, & Forestry
Certification & Training Administrator 2800 N. Lincoln
Blvd.
Oklahoma City, OK 73105

Ryan:

I am writing this letter in support of a request for a Section 18 for the use of sulfoxaflor for use from May through November to control a potentially injurious aphid of sorghum, the sugarcane aphid *Melanaphis sacchari* which is now an established pest of all sorghum-growing county in Oklahoma.

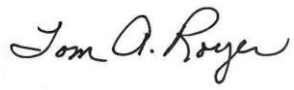
In 2017, approximately 15.6 million bushels were harvested on 295,000 acres, worth about \$49.1 million. This aphid was found in every sorghum-growing county in Oklahoma. We conducted an insecticide evaluation of registered products for aphid control, and our results indicate that aside from flupyradifurone, the currently registered products (chlorpyrifos and dimethoate) provided inconsistent and moderate to poor control and virtually no yield savings.

Based on the results of the insecticide trials that we conducted in Lane OK, if left untreated, this aphid could cause from 7-14 bushels/acre yield loss. I conservatively estimate that 80% of the 2017 crop (236,000 acres) was infested with this aphid. Based on that data, Oklahoma producers could have suffered a loss of from 1.8-3.6 million bushels of sorghum, worth \$3.2-6.4 million if not treated.

Our data continues to show that registered pyrethroid insecticides are not effective. The currently registered products other than flupyradifuron are also very broad-spectrum in their activity and thus are very hard on potential natural enemies. This presents the possibility of causing secondary pest outbreaks, such as with spidermites, or recurrent outbreaks of aphids. While flupyradifurone is effective, history has shown that reliance of only one active ingredient for control sets up a high potential for selection of insecticide-resistant aphids, and is NOT a component of sound integrated pest management (IPM).

I am in full support of this Section 18 application.

Sincerely,

A handwritten signature in black ink that reads "Tom A. Royer". The signature is fluid and cursive, with the first name "Tom" and last name "Royer" clearly legible.

Tom A. Royer
Extension Entomologist and IPM Coordinator





Dow AgroSciences

Dow AgroSciences LLC

9330 Zionsville Road
Indianapolis, IN 46163

dowagro.com

April 3, 2018

Ryan Williams

Oklahoma Department Of Ag., Food, & Forestry
Certification & Training Administrator
2800 N. Lincoln Blvd.
Oklahoma City, Ok 73105

Re: Support letter for TransformTM WG Section 18 on sorghum

Dear Mr. Williams,

Per your request, this letter is to confirm that Dow AgroSciences supports the pursuit of a Section 18 emergency exemption for Transform WG to control sugarcane aphid in sorghum in the state of Oklahoma. Transform WG has provided excellent efficacy against sugarcane aphid in previous use under Section 18 exemptions, with no negative impacts on non-target insects. It represents a new class of chemistry with a novel mode of action, and controls pests resistant to other classes of chemistry. If you have questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamey Thomas".

Jamey Thomas, Ph.D.
US Regulatory Manager
Dow AgroSciences

cc: Tami Jones-Jefferson, DAS

TMTrademark of Dow AgroSciences LLC



Dow AgroSciences

Dow AgroSciences LLC

9330 Zionsville Road

Indianapolis, IN 46268-1054 USA

Transform[®] WG

EPA Reg. No.: 62719-625

For Control of Sugarcane Aphid (*Melanaphis sacchari*) in Sorghum

Section 18 Emergency Exemption

File symbol: XXXXXX

FOR DISTRIBUTION AND USE ONLY IN OKLAHOMA UNDER SECTION 18 EMERGENCY EXEMPTION
This Section 18 Emergency Exemption is effective XXXXX and expires XXXXX.

- This labeling must be in the possession of the user at the time of application.
- It is in violation of federal law to use this product in a manner inconsistent with its labeling.
- Read the label affixed to the container for Transform[®] WG insecticide before applying. Carefully follow all precautionary statements and applicable use directions.
- Any adverse effects resulting from the use of Transform WG under this emergency exemption must be immediately reported to the Oklahoma Department of Agriculture Food and Forestry.

Environmental Hazards Statement: This product is highly toxic to bees exposed through contact during spraying and while spray droplets are still wet. This product may be toxic to bees exposed to treated foliage for up to 3 hours following application. Toxicity is reduced when spray droplets are dry. Risks to pollinators from contact with pesticide spray or residues can be minimized when applications are made before 7:00 a.m. or after 7:00 p.m. local time or when the temperature is below 55 degrees Fahrenheit (°F) at the site of application.

Directions for Use

Pests and Application Rates:

Pests	Transform WG (oz/acre)	Comments
Sugarcane aphid	0.75 – 1.5 (0.023 – 0.047 lb ai/acre)	Use a higher rate in the rate range for heavy pest populations.

Application Timing: Treat in accordance with local economic thresholds. Consult your Dow AgroSciences representative, cooperative extension service, certified crop advisor or state agricultural experiment station for any additional local use recommendations for your area.

Application Method: Control of sugarcane aphid may be contingent on thorough coverage to the crop. Use sufficient water to get full coverage of the canopy. It is recommended that a minimum of 5 gallons of water be applied by air.

Spray Drift Management: Applications are prohibited above wind speeds of 10 miles per hour (mph). Applications must be made with medium to coarse spray nozzles (i.e., with median droplet size of 341 µm or greater).

Restrictions:

- **Preharvest Interval:** Do not apply within 14 days of grain or straw harvest or within 7 days of grazing, or forage, fodder, or hay harvest.
- A restricted entry interval (REI) of 24 hours must be observed.
- Do not make more than two applications per acre per year.
- **Minimum Treatment Interval:** Do not make applications less than 14 days apart.
- Do not apply more than a total of 3.0 oz of Transform WG (0.09 lb ai of sulfoxaflor) per acre per year.
- Do not apply product ≤ 3 days pre-bloom or until after seed set.

®Trademark of The Dow Chemical Company ("Dow") or an affiliated company of Dow

R396-200

Approved: __/__/__

Replaces 396-166



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 3 2017

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Oklahoma Department of Agriculture, Food, and Forestry
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105

Effective Date: April 9, 2017
Expiration Date: November 30, 2017
Report Due: May 30, 2018
File Symbol: 17OK01

Attn: Ryan Williams

The Environmental Protection Agency hereby grants a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) for the use of sulfoxaflor (CAS Reg. No. 946578-00-3) on sorghum to control sugarcane aphid (*Melanaphis sacchari*) in Oklahoma.

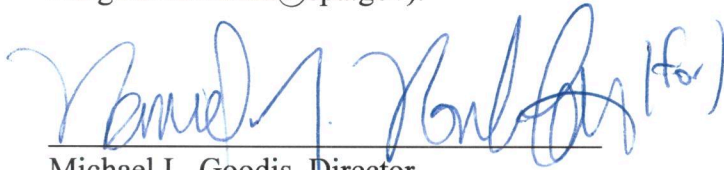
In a letter dated March 13, 2017, the ODAFF recertified that the emergency condition still exists and that there were no changes to the use directions, including use rates and type of application, approved in the last authorization dated May 5, 2016. This specific exemption is subject to the conditions set forth in your request as well as the following conditions, modifications and restrictions:

1. The Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) is responsible for ensuring that all provisions of this specific exemption are met. ODAFF is also responsible for providing information in accordance with 40 CFR 166.32(b). Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the EPA Region 6 office within 6 months following the expiration of this exemption or prior to requesting another specific exemption for this use in the following year. In accordance with 40 CFR 166.32(a), these offices shall also be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption. Any future correspondence in connection with this exemption should refer to file symbol:
17OK01

2. The registered product, Transform™ WG (EPA Reg. No. 62719-625, containing 50% a.i. sulfoxaflor), manufactured by Dow AgroSciences, may be applied. All applicable directions for use, restrictions, and precautions on the EPA-product label including Worker Protection Standards must be followed except as modified in this authorization document.
3. Foliar applications may be made by ground or air at a rate of 0.75-1.5 oz of product (0.023-0.047 lb a.i.) per acre. A maximum of 2 applications may be made per year, resulting in a seasonal maximum application rate of 3.0 oz of product (0.09 lb a.i.) per acre per year.
4. Do not apply product 3 days pre-bloom or until after seed set.
5. To minimize spray drift and potential exposure of bees when foraging on plants adjacent to treated fields:
 - Applications are prohibited above wind speeds of 10 miles per hour (mph).
 - Applications must be made with medium to course spray nozzles (i.e., with median droplet size of 341 µm or greater).
6. Retreatments are prohibited within 14 days of application. A restricted entry interval (REI) of 24 hours applies to all applications.
7. Pre-harvest interval (PHI): Do not apply within 14 days of grain or straw harvest or within 7 days of grazing, or forage, fodder, or hay harvest.
8. A maximum of 300,000 acres of sorghum fields (grain and forage) may be treated in Oklahoma.
9. **Environmental Hazards Statement:** “This product is highly toxic to bees exposed through contact during spraying and while spray droplets are still wet. This product may be toxic to bees exposed to treated foliage for up to 3 hours following application. Toxicity is reduced when spray droplets are dry. Risks to pollinators from contact with pesticide spray or residues can be minimized when applications are made before 7:00 am or after 7:00 pm local time or when the temperature is below 55 degrees Fahrenheit (°F) at the site of application.”
10. This specific exemption expires November 30, 2017.
11. Applications made in accordance with the above provisions are not expected to result in combined residues of sulfoxaflor, including its metabolites and degradates, in or on sorghum commodities in excess of the following time-limited tolerances: sorghum, forage at 0.40 ppm; sorghum, grain at 0.30 ppm; and sorghum, stover at 0.90 ppm; and the established permanent tolerance for aspirated grain fractions at 20 ppm. The Agency has determined that these levels are adequate to protect the public health. Time-limited tolerances in connection with this action have been established in 40 CFR 180.668(b).

12. This is the fourth year that ODAFF has requested a specific exemption for use of sulfoxaflor on sorghum to control sugarcane aphids. On October 14, 2016, the unregistered product, TransformTM WG, was reinstated. Due to the introduction of this invasive pest in sorghum and the potential for this emergency to continue into the 2018 growing season, EPA has determined that this use is eligible for a streamlined application next year under the recertification program (40 CFR 166.20(b)(5)).

If you have any questions regarding this authorization, please contact Emergency Response Team member Stacey Groce (703-305-2505; groce.stacey@epa.gov) or the Emergency Response Team Leader, Tawanda Maignan (703-308-8050; maignan.tawanda@epa.gov).

A handwritten signature in blue ink, appearing to read "Michael L. Goodis", is written over a horizontal line.

Michael L. Goodis, Director
Registration Division
Office of Pesticide Programs

Date: 4/3/2017

cc: *Jeffrey Lammers, USEPA Region 6*
Elizabeth Reyes, USEPA Region 6 Pesticide Tribal Coordinator